

United States District Court
District of Massachusetts

_____)	
UNITED STATES OF AMERICA,)	
)	
v.)	
)	
MARTIN GOTTESFELD)	Criminal Action No.
)	16-10305-NMG
Defendant.)	
_____)	

ORDER

GORTON, J.

On June 14, 2018, the government filed an emergency motion for order to show cause with respect to defendant's wife, Dana Gottesfeld ("Ms. Gottesfeld"). The government informs the Court that Ms. Gottesfeld contacted the mothers of the two Assistant United States Attorneys assigned to this case by phone late on the night of June 13, 2018. The government submits that Ms. Gottesfeld introduced herself by her maiden name, purporting to be an "independent journalist" seeking information about the prosecutors (their sons). The government contends that Ms. Gottesfeld's contact violated an oral order of this Court made during a show cause hearing on March 19, 2018.

At that hearing, convened to deal with a filing deadline, the government brought to the Court's attention certain derogatory emails purportedly sent by defendant to the United

States Attorney's Office. Defendant was not present at the hearing. The Court stated:

Mr. Gillespie, I'll say to you and to anyone else within my hearing that knows Mr. Gottesfeld, that, if this persists, he will be sanctioned. He is not to communicate directly with the United States Attorney or anyone else other than you with respect to this case, as long as you are assigned as his attorney. So I expect that you will make Mr. Gottesfeld aware of that and make anyone who writes matters on his behalf and in his name aware of that, that he or they will be sanctioned by this Court if this continues.

Ms. Gottesfeld, the non-party in question here, was purportedly at the hearing on March 19, 2018, but she was not specifically made subject to the Court's oral order. The Court declines therefore to impose sanctions upon her at this juncture and the government's motion to do so (Docket No. 203), is **DENIED without prejudice**.

Ms. Gottesfeld is, however, hereby ordered to cease and desist from any interference with this litigation or the judicial process in general, including, but not limited to, engaging in communication with Assistant United States Attorneys or members of their families. See Chambers v. NASCO, Inc., 501 U.S. 32, 44-45 (1991) ("[I]nherent powers must be exercised with restraint and discretion. A primary aspect of that discretion is the ability to fashion an appropriate sanction for conduct which abuses the judicial process.") (internal citation

omitted).

So ordered.

/s/ Nathaniel M. Gorton_____
Nathaniel M. Gorton
United States District Judge

Dated June 19, 2018